

**REVIEW FOR APPLICABILITY OF/COMPLIANCE WITH
ORDINANCES/POLICIES**

**FOR PURPOSES OF CONSIDERATION OF
Bandy Canyon Telecommunications Facility; P05-050, Log No. 05-08-029**

January 23, 2007

I. HABITAT LOSS PERMIT ORDINANCE – Does the proposed project conform to the Habitat Loss Permit/Coastal Sage Scrub Ordinance findings?

YES NO NOT APPLICABLE/EXEMPT

Discussion:

The proposed project and any off-site improvements are located within the boundaries of the Multiple Species Conservation Program. Therefore, conformance to the Habitat Loss Permit/Coastal Sage Scrub Ordinance findings is not required.

II. MSCP/BMO - Does the proposed project conform to the Multiple Species Conservation Program and Biological Mitigation Ordinance?

YES NO NOT APPLICABLE/EXEMPT

Discussion:

Refer to the MSCP Conformance Statement dated February 23, 2007.

III. GROUNDWATER ORDINANCE - Does the project comply with the requirements of the San Diego County Groundwater Ordinance?

YES NO NOT APPLICABLE/EXEMPT

Discussion:

The project is for a unmanned wireless telecommunications facility and will not use any groundwater for any purpose, including irrigation or domestic supply.

IV. RESOURCE PROTECTION ORDINANCE - Does the project comply with:

The wetland and wetland buffer regulations (Article IV, Sections 1 & 2) of the Resource Protection Ordinance?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>
The Floodways and Floodplain Fringe section (Article IV, Section 3) of the Resource Protection Ordinance?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>
The Steep Slope section (Article IV, Section 5)?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>
The Sensitive Habitat Lands section (Article IV, Section 6) of the Resource Protection Ordinance?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>
The Significant Prehistoric and Historic Sites section (Article IV, Section 7) of the Resource Protection Ordinance?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>

Discussion:

Wetland and Wetland Buffers: The site contains no wetland habitats as defined by the San Diego County Resource Protection Ordinance. The site does not have a substratum of predominately undrained hydric soils, the land does not support, even periodically, hydric plants, nor does the site have a substratum that is non-soil and is saturated with water or covered by water at some time during the growing season of each year.

Floodways and Floodplain Fringe: The project is not adjacent to a floodway/floodplain fringe area as defined in the RPO, nor are there any proposals for any uses or improvements that are in conflict with the RPO.

Steep Slopes: The average slope for the property is less than 10 percent gradient. Slopes with a gradient of 25 percent or greater and 50 feet or higher in vertical height are required to be placed in open space easements by the San Diego County Resource Protection Ordinance (RPO). There are no steep slopes on the property. The project is in conformance with the RPO.

Sensitive Habitats: No sensitive habitat lands were identified on the site as determined on a site visit conducted by Emery McCaffery on December 30, 2005. Therefore, it has been found that the proposed project complies with Article IV, Item 6 of the Resource Protection Ordinance.

Significant Prehistoric and Historic Sites: Based on an analysis of County of San Diego archaeology resource files, archaeological records, maps, and aerial photographs by County of San Diego staff archaeologist, Gail Wright, it has been determined that the project site does not contain any archaeological resources.

V. STORMWATER ORDINANCE (WPO) - Does the project comply with the County of San Diego Watershed Protection, Stormwater Management and Discharge Control Ordinance (WPO)?

YES

NO

NOT APPLICABLE

Discussion:

The Department of Planning and Land Use and Department of Public Works staff have reviewed the Stormwater Management Plan (SWMP) for Minor Projects submitted to the County of San Diego on December 15, 2005, and prepared by Doug Munson of Land Use Consultants. This document complies with the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control Ordinance (WPO, Section 67.817).

VI. NOISE ORDINANCE – Does the project comply with the County of San Diego Noise Element of the General Plan and the County of San Diego Noise Ordinance?

YES

NO

NOT APPLICABLE

Discussion:

Even though the proposal could generate potentially significant noise levels (i.e., in excess of the County General Plan or Noise Ordinance), the following noise mitigation measures are proposed to reduce the noise impacts to applicable limits:

The proposed Nextel project consists of fully enclosed equipment cabinets housed within a pre-fabricated shelter with two exterior HVAC wall-mounted. Noise generating equipment fully enclosed within this shelter is not considered a significant noise source. Noise activity from an existing T-Mobile equipment is not considered significant due to its minimal ambient cumulative contributions of less than 1 dB to the eastern property line. The Eilar noise study recommends to increase the height of a proposed wooden fence enclosure surrounding the shelter. In order to reduce the noise impacts, the wooden fence enclosure must be at a minimum of 10½ feet high, relative to the pad grade elevation. With the 10½ feet high wooden fence, calculations show that the cumulative sound levels generated by the HVAC units and existing T-Mobile equipment will be as high as 44.6 dBA on the eastern property line. Refer to Section 6.0 Mitigation, Table 6 and Figures 7 & 8 in the Noise Impact Analysis report by Eilar Associates dated on March 2, 2006. The proposed HVAC units with the recommended wooden fencing height of 10½ feet will meet the property line noise level limits of the County Noise Ordinance (Section 36.404).